

**MEDINA CITY COUNCIL  
REGULAR MEETING MINUTES**

January 12, 2004  
7:00 PM

Medina City Hall  
501 Evergreen Point Road

**ROLL CALL**

Present: Council members Miles Adam, Drew Blazey, Katie Phelps and Pete Vall-Spinosa, Deputy Mayor Nunn and Mayor Mary Odermat. Note: (The Deputy Mayor and Mayor titles reflect the Council's below listed election results.) Council member Bob Rudolph participated by speakerphone.

Staff Present: City Manager Doug Schulze, City Attorney Kirk Wines, Interim Police Chief Jeff Chen, Public Works Director (PWD) Shel Jahn, Planning Director (PD) Joseph Gellings, Finance Officer Jan Burdue and Recording Secretary Carol Wedlund

**CALL TO ORDER**

The meeting of the Medina City Council was called to order at 7:01 p.m.

**NEW AND RE-ELECTED COUNCIL MEMBERS**

The City Clerk swore in Council members Katie Phelps, Pete Vall-Spinosa and Miles Adam.

**ELECTION OF MAYOR AND DEPUTY MAYOR FOR 2004-2005**

Council member Blazey nominated Deputy Mayor Odermat to serve as Mayor for 2004-2005, seconded by Council member Nunn, and the vote was unanimous. Council member Blazey nominated Council member Nunn to serve as Deputy Mayor for the same period, seconded by Council member Phelps, and the motion carried unanimously.

**AWARDS AND PRESENTATIONS**

Interim Chief Chen read aloud a citation describing Corporal Yourkoski's achievements last year and presented him with an award for exemplary service as 2003 Officer of the Year.

City Manager Schulze congratulated Mayor Odermat for completing the Association of Washington Cities Certified Municipal Leadership Training Program, and presented her with a certificate.

**ANNOUNCEMENTS**

Mayor Odermat relayed the Suburban Cities Association offered quarterly membership leadership training and the next session would be held in Tukwila. She also relayed the 2004 AWC City Legislative Action Conference was scheduled in Olympia on January 28-29, 2004. It would provide an excellent opportunity for elected officials to become familiar with key legislative issues, meet with legislators and network with other local officials. Mayor Odermat also relayed the AWC Newly Elected Officials Workshop offered training for new Council members or anyone on the Council who had not yet attended, and she highly recommended it.

Council member Adam distributed a USA Today article discussing surveys of cities regarding their responses to fiscal conditions.

Council member Blazey announced the State Legislative session would shortly begin. City Manager Schulze was working on a Legislative Action Plan, and anyone with suggestions for inclusion should contact him.

**CONSENT AGENDA**

Council member Blazey moved, seconded by Council member Adam, to accept the consent agenda. The following modifications were made, and the motion carried unanimously:

- E-1 Minutes of December 8, 2003 Council Meeting – approved with changes—pg. 1 Deputy Mayor Odermat called the meeting to order, add “the PC hearing had been conducted” to City Attorney Wines' comments, pg. 4--“builder”, pg. 6, Joeil Lundquist, last pg., “Adjournment”.
- E-2 Minutes from December 22, 2003 Council Meeting – approved
- E-3 December 2003 Checks and Finance Officer's Report -- approved

**AUDIENCE PARTICIPATION**

**Cheryl Becker, 8005 NE 28<sup>th</sup>**, voiced her feelings regarding what she thought had been occurring with the Council during the last few months.

**Sam Basta, 16721 SE 28<sup>th</sup> Street, Bellevue**, noted his frustration with the Medina Building Department process and requested written clarification, as a home sale could not close as a result. Following advice from City Attorney

Wines, Mayor Odermat assured him the Council would take this matter under advisement and look into it. City Manager Schulze noted the Council had received a letter from Mr. Basta a year ago. He would take the appropriate action and provide the Council with a report. Mr. Basta stated Medina required things that were not considered mandatory by other cities, and it appeared many in the industry were intimidated from doing business in Medina.

### **REPORTS**

**Police Department**—Interim Chief Chen gave an overview of MPD activity during December:

- a. Due to the owner not having reported a burglary in a timely manner, one of the burglaries reported in December was associated with a rash of them in late November.
- b. A resident left a garage door open, with change and credit cards taken from the vehicle inside it.
- c. Three instances of theft occurred, all inside jobs. With one, a housekeeper was involved, and investigations were still pending for the other two.
- d. Seven DUI arrests took place, emanating mainly from Medina's participation in an Eastside DUI Task Force effort. State Representative Rodney Tom was nearly struck by an 80-year old Bellevue resident with a blood alcohol level nearly six times the legal limit.

Council member Adam requested Interim Chief Chen to check the Police Report regarding which of the first two lines was right for Year to Date 2002 and Year End 2002, noting those numbers should match. Interim Chief Chen will check on it.

**Mercer Island Marine Patrol**—Sergeant Marc Marcroft gave a summary of 2003 Marine Patrol activities, and distributed a copy of the 2003 Mercer Island Marine Patrol Report, noting it was the busiest year he had seen. He pointed out Mercer Island Marine Patrol's award for outstanding boat patrol of the year. Sergeant Marcroft also relayed Washington State was about to enact legislation requiring all boaters to take mandatory boat education courses, either on line or in a classroom setting. He also requested permission to purchase a \$650 aluminum buoy in the next several months, as the area in which it was needed had a lot of boat traffic. This item will be on a future Council agenda. Council member Blazey requested boating safety tips to be inserted in the Medina Newsletter.

**Planning Report**—PD Gellings updated the Council regarding Medina Elementary School's demolition upon school dismissal in 2005, and rebuilding from that point through August 2006. City staff had met with Bellevue School District project managers. Attendance at the new school would be the same as currently for Medina Elementary. However, the square footage would increase significantly. He suggested the Council might consider supplementing or clarifying existing ordinances regarding this process. PD Gellings will prepare the appropriate paperwork for the January Study Session.

PD Gellings turned to the Medina store, noting the city had been served with an appeal of the Council's decision. The trial date was set for June 14, 2004. City Attorney Wines stated he would probably know in the next couple of weeks whether anyone would ask for a continuance. Short of a continuance, the trial would take place on June 14, based on the record of the PC and the CC. Usually a final ruling was issued within a couple of weeks after the hearing date. He noted the possibility of mediation, but the applicant must also be involved, because she would need input regarding what could be done and still preserve the store as a viable economic entity.

**Public Works**—PWD Jahn elaborated on the Medina Elementary School issue, noting staff had a pre-meeting with Bellevue School District representatives, and had been informed Medina was very well prepared. He turned to the PW Activity Report, noting the King County Road Services Division had recently completed their repair work on the two Overlake Drive East bridges. The amount budgeted for this bridge repair project had been \$300,000, based on Roth-Hill estimates. The bill was received today, and PWD Jahn estimated the project would only cost about \$60,000. He attributed the substantial savings involved to the technique used for repairs. The result was approximately ten additional years of life for the bridges.

Deputy Mayor Nunn noted the PW maintenance yard fence was larger. PWD Jahn responded the PW shop parking and storage area had always been cramped, the PW crew had expanded it, and they were working on screening it from the park. Neither Council member Adam nor Deputy Mayor Nunn recalled having discussed the expansion. PWD Jahn stated trees would be planted during the February time frame, and the area would look better by summer, but it would probably be 2-3 years before it was totally screened. He continued no park space from that already being used was taken, and the fence had not been brought into the open area. City Manager Schulze clarified the region in question was south of the maintained portion of Medina Park, and it was wetlands area. Council member Vall-Spinosa requested a report of the square footage in that surface area. PWD Jahn indicated he would obtain the exact figures.

Council member Blazey noted the Community Dock at Viewpoint Park looked much better and thanked PWD Jahn for his efforts to improve the appearance of that area and to have the new fence installed. He also thanked PWD Jahn for the PW crew snow plowing immediately after a recent storm.

Deputy Mayor Nunn asked about the status of the 84<sup>th</sup> Avenue NE/Overlake Golf/St. Thomas Church tree project. Council member Adam provided an update, noting Overlake had indicated their willingness to work with Medina on the fence. They would landscape their side, but were not interested in doing anything on the 84<sup>th</sup> Avenue NE side of the fence. It was noted Overlake required a fence for security. PWD Jahn outlined the necessary steps, adding Overlake wanted a vinyl coated chain link fence, and Medina might want to insist upon one that was higher grade. He had proposed the committee meet by the first of March to discuss this issue, and inform the Council of their findings. Council member Adam added there seemed to be differing priorities between the two parties. He had thought there would be more cost sharing. Mayor Odermat suggested the Council discuss how much they were willing to contribute, and suggested including it on a Study Session agenda. Both Council member Phelps and Deputy Mayor Nunn requested a presentation.

**Park Board**—Chair Gerlitz reported the PB was working to improve Medina's parks. She voiced appreciation for Katie Phelps' contributions as a PB member, noting her departure meant a replacement was needed.

**Finance Committee**—Via speakerphone, Council member Rudolph reported a December 31, 2003 ending fund balance of \$5,141,608, which was larger than the fund balance on January 1, 2003. City Manager Schulze added he did not expect the 2003 ending fund balance to change a lot. There would be an increase in expenditures due to bills arriving at the end of December. However, the city had received a couple of 2003 revenues the first part of this year. Council member Adam asked about prepaying the seller-financed Dustin property contract in order to save interest, and suggested investigating this possibility. City Manager Schulze stated the city had a balloon payment to pay in 2005. City Attorney Wines did not recall a prepay penalty, and thought it was possible to pay the full amount ahead of time.

**Personnel Committee**—It was noted the Personnel Committee had met with the City Manager and arrived at mutual objectives, which the Council had reviewed. City Manager Schulze promised to provide the Council with a copy of the plan. He suggested follow-up discussion was needed because some items, such as surveys and training, had not been funded.

**Emergency Preparedness**—Council member Blazey announced an Emergency Preparedness meeting would take place this month, and invited new Council members to attend. Volunteer citizens participated in these meetings, and other Council members attended periodically as well.

**City Manager's Report**—City Manager Schulze referred to follow-up on the 2001 campaign flyer, and distributed a memo from former Chief Knapp that had originally been disseminated in November. He referred to his letter in the Council packet to the Washington Association of Sheriffs and Police Chiefs, and their response. Five different agencies had declined further investigation. If the Council wished to proceed any further, a private investigator at considerable expense would be required. City Manager Schulze had discussed the matter with Council member Rudolph today. City Manager Schulze will draft a letter for the Mayor's signature to the Public Disclosure Commission (PDC), and promised to include Chief Knapp's memo with it. Council member Blazey requested inclusion of his time chart as well, as the information in it filled in the blanks. Council member Nunn cautioned to make sure the PDC had all of the information.

#### **PUBLIC PARTICIPATION**

**Henry Paulman, 1415 – 80<sup>th</sup> Avenue NE**, voiced his understanding that the PDC Director had suggested the Medina Police Department run fingerprints on the documents submitted. Council member Blazey clarified it was not wrong to distribute campaign flyers; the shortcoming was "Friends of Medina" had not identified themselves. The PDC had stated no group affiliated with the flyer had been identified. Mr. Paulman thought running fingerprints could eliminate some people, and requested the Council to authorize the Interim Chief investigating the fingerprints. City Attorney Wines stated taking fingerprints would not indicate a crime had been committed. He thought it was a waste to expend limited resources. City Manager Schulze added the last page of Chief Knapp's memo addressed the fingerprint issue, and the city was powerless to ask any people involved to submit to fingerprinting. Further, even if the city were able to obtain fingerprints, there was no violation associated with their being on a flyer. He volunteered to furnish Mr. Paulman with a copy of the pertinent information. Mr. Paulman asked the Council to delay sending their letter to the PDC for two more weeks, in order to find further information for submission to the

Mayor. City Attorney Wines advised the Council to proceed with their proposed plan of action. Council member Blazey added if Mr. Paulman discovered new information, the Council could review it at that time, and it could be forwarded to the PDC. It was noted any citizen could file an action with the PDC. Council member Rudolph remarked it was ultimately unsatisfying, but he was not sure the city could do more at present. The Council voted to send a letter to the PDC now, with Council members Phelps and Vall-Spinosa abstaining.

#### **OTHER BUSINESS**

**Salmon Eggs**--PWD Jahn announced 10,000 eggs from the Issaquah hatchery had been placed in the incubator a week and a half ago, and would hopefully hatch in another couple of weeks. There was no cost for the eggs, but the city would pay \$2,500 for the service, which was included in the budget.

**Appointment of 2004 Council Committees and Representatives**—City Manager reviewed the roles of the Council subcommittees, and the following members volunteered:

Finance Committee           – Council members Rudolph, Adam and Mayor Odermat  
Personnel Committee       -- Council members Adam, Blazey and Phelps  
Emergency Preparedness   -- Council members Blazey, Nunn and Vall-Spinosa

City Manager Schulze cautioned Council members represented the Council as a whole when attending other meetings, and should obtain direction from the full Council beforehand. PWD Jahn added the SR-520 Citizens Advisory Committee needed representation from two Medina residents. Mayor Odermat stated she would not represent the city on the Executive Committee without full Council consensus. Deputy Mayor Nunn voiced his willingness to serve as an Executive Committee alternate. Council member Vall-Spinosa suggested the Council be informed about meetings a week ahead of time. If either the City Manager or the Mayor felt strongly about Council representation, an e-mail could be sent. It was recommended information about the National League of Cities could be obtained from that website, and it was more important to stay current with Washington cities. Council member Rudolph stated the Council should be more effective in its representation of SR-520. He suggested the Council discuss how they would represent the city at the Council Retreat. Mayor Odermat asked if the Association of Washington Cities still needed representation on the Small Cities Advisory Board. City Manager Schulze stated he would contact them to see if they had additional openings.

Council member Vall-Spinosa requested a task force, including citizens, be formed to review ordinance evolution and reconstruction if necessary. Deputy Mayor Nunn volunteered to establish and serve on this task force. Council member Adam suggested the task force conclude by the end of 2005, and it could be discussed at the Retreat.

Council member Rudolph voiced his preference for 2004 Study Sessions to be conducted on the fourth Monday of each month at 7:00 p.m., as that was not only consistent, but was also a more convenient time for working citizens. He discontinued Council participation via telephone at 9:16 p.m.

A recess was taken at 9:16 p.m., and the meeting reconvened at 9:27 p.m.

**Resolution Setting Dates/Times for 2004 Study Sessions**—Council member Adam thought the public should be allowed to speak at Study Sessions. He also voiced concern regarding decisions being made at Study Sessions for inclusion on Consent Agendas without a full opportunity for citizen participation. Deputy Mayor Todd suggested the ground rules could be changed to allow public input as part of the Study Sessions. He clarified there would have been at least one public hearing before an agenda item was included on the Consent Agenda. City Attorney Wines explained Study Sessions were public meetings, whether or not citizen comments were heard. City Manager Schulze explained the difference between taking public comment at a meeting versus taking public testimony at a public hearing. Following a straw poll, the Council decided unanimously to hold 2004 Study Sessions on the fourth Monday of the month at 7:00 p.m. It was noted the meeting notices stated comments from the public would be allowed at Study Sessions. City Manager Schulze stated that wording would be removed. However, the resolution in Council packets gave them a lot of flexibility at Study Sessions.

**PC Vice-Chair Mark Nelson, 1233 Evergreen Point Road**, stated it would be to the Council's advantage to hear from PC members who attended Study Sessions, as such comments may be pertinent to what the Council was discussing.

By consensus, the Council was in favor of accepting comments at Study Sessions on a case-by-case basis.

**Resolution No. 303, Adopting 2004 Fee Schedule**—City Manager Schulze explained the Council would be asked to update and adopt the most recent International Building Code later this year, and they would have an opportunity at that time to review different types of fee structures. Council member Adam moved, seconded by Council member Vall-Spinosa, to approve Resolution No. 303, Adopting the 2004 Fee Schedule, and the vote was unanimous.

**Licensing and Enforcement for All Dogs Using Medina Parks**—Council member Blazey suggested citizens other than Medina residents using Medina parks for their dogs should be charged. Following discussion, the Council decided it would be difficult to do with volunteers and enforcement would be too costly.

**Discussion of Zoning Code Housekeeping Changes**—Planning Director Gellings furnished background information regarding the zoning code housekeeping changes recommended by the PC, noting the only thing he characterized as a substantive policy change was setback areas for swimming pools, spas and hot tubs.

**Connie Gerlitz, 2415 – 78<sup>th</sup> Avenue NE**, stated restricting a swimming pool to her rear yard would be inappropriate and would impact her neighbors. Council member Adam explained the issue was swimming pools built in side yard setbacks. Ms. Gerlitz apologized for any misunderstanding.

Speaking as **PC Vice-Chair, Mark Nelson** suggested striking the line that dealt with deleting front, rear and side yard setbacks for pools, spas and hot tubs and to review it in terms of other setbacks, as there were too many different shaped lots in Medina. Council member Vall-Spinosa moved to approve the suggested zoning code housekeeping changes. Deputy Mayor Nunn suggested deleting MMC 17.84.040 – Location of Pools, and to notice that section in a separate public hearing, which met with Council member Vall-Spinosa's approval. Deputy Mayor Nunn seconded the motion as amended. City Manager Schulze recommended changing the reference from Planning Manager to the City Manager or his/her designee, in order to be consistent, which was approved by both Council member Vall-Spinosa and Deputy Mayor Nunn. The zoning code housekeeping changes were unanimously approved as amended.

**Resolution Regarding Health Insurance Costs**—Council member Blazey indicated he had rewritten the Resolution regarding Health Insurance costs to make it a goal rather than absolute. City Manager Schulze suggested adopting the Health Insurance Cost Resolution would publicly announce the city's position for future labor negotiations, which would have the potential to adversely affect the city's bargaining strategies. He suggested a strategy could be developed in Executive Session later this year. The Council did not adopt the Health Insurance Resolution. Mayor Odermat recommended health insurance costs be a 2005 budget objective.

**Ratify Public Works Labor Agreement**—City Manager Schulze explained the Council had met to discuss personnel matters immediately before tonight's meeting, per RCW 42.30.110(g), so the Public Works labor agreement could be tabled, as he needed to take that agreement to the labor representation. The Council deferred discussion of this item.

**Fairweather Nature Preserve Name Change**—Deputy Mayor Nunn moved, seconded by Council member Blazey to approve changing the name of Fairweather Nature Preserve to Fairweather Park and Nature Preserve, and the motion passed unanimously.

**2004 First Quarter Council Agenda Calendar**—2004 first quarter Council agenda calendar changes were made.

**2004 Council Retreat**—Following discussion, the Council decided the 2004 Council Retreat would be scheduled for a Saturday in May, with a professional facilitator.

**Jail Administration Interlocal Agreement**—The Jail Advisory Group Interlocal Agreement was authorized.

#### **ADJOURNMENT**

Council member Adam moved, seconded by Deputy Mayor Nunn, to adjourn the meeting at 11:02 p.m., and the motion carried unanimously.

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Mayor Mary Odermat

Attest:

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Caroll P. Wedlund, Recording Secretary